

Remarks

This Amendment responds to the Office Action mailed December 10, 2009. With this amendment, Applicants amend claims 3, 7, and 8 and cancel claims 5 and 6. Applicants note that the Office has deemed claims 4, 10-11, and 13-32 to be directed to non-elected subject matter and withdrawn from consideration. Applicants note that claims 1, 2, and 12 have been canceled previously. No new matter is added with the present amendment. Support for the amendment can be found throughout the specification and claims as filed. Claims 3, 4, 6-11, and 13-32 are pending.

Interview Summary

Applicants express appreciation to Examiner Katherine Salmon for the telephone interview on January 21, 2010, and the courtesies extended to Applicants' representative Adaku Nwachukwu. During the telephone interview, Applicants' representative and the Examiner discussed proposed amendments to the claims to place the claims in condition for allowance. In particular, the proposed amendment was to amend claim 3 to recite "myocardial infarction" and delete "arteriosclerotic disease," and amend claim 3 to recite "detecting A/A homozygous genotype" instead of reciting "detecting a C/A polymorphism."

The Examiner indicated that the amended claims appeared to comply with the 35 U.S.C. § 112, first paragraph enablement requirement. The Examiner also indicated that the proposed amendments would be entered after final.

Information Disclosure Statement

Applicants thank the Examiner for acknowledging receipt of the Information Disclosure Statements filed on August 27, 2009 and October 20, 2009 and for returning electronically signed copies of the Forms PTO-1449 submitted therein.

Applicants note that in the Action, the Examiner indicated that Office Action for Japanese Application 2004-527375 was considered without the translation. However, Applicants note that the Information Disclosure Statement filed on December 8, 2009, just two days before this Action was issued, provided the English translation of JP 2004-527375.

Claim Rejections - 35 U.S.C. § 112, First Paragraph

The Action rejects claims 3 and 5-9 under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement. The rejection contends that the specification, while enabling for a method of determining myocardial infarction in a human comprising detecting a homozygous A allele at the nucleotide 80 of SEQ ID No. 3 wherein a homozygous A allele is indicative of myocardial infarction, does not reasonably provide enablement for determining any arteriosclerotic disease in humans.

In response, to advance prosecution and without acquiescing the propriety of the rejection, Applicants note that claims 5 and 6 have been canceled and claim 3 has been amended to recite "[a] method for determining an increased risk of myocardial infarction in humans, which comprises detecting: an A/A homozygous genotype at nucleotide 80 in the nucleotide sequence of exon 3 of the LT- α gene shown in SEQ ID NO: 3, wherein the presence of the A/A homozygous genotype is indicative of the presence of myocardial infarction."

Applicants submit that the amended claims comply with the 35 U.S.C. § 112, first paragraph enablement requirement, as agreed by the Examiner during the interview of January 21, 2010. The Examiner further indicated that the proposed amendments would be entered at this stage of prosecution.

In view of the foregoing, Applicants respectfully request that the 35 U.S.C. § 112, first paragraph rejection be withdrawn.

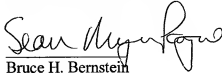
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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